

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES J. CARFAGNO,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION NO:
	:	
WILLIAM E. GREY and	:	
JB HUNT TRANSPORT, INC.	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA:

Defendant, J.B. Hunt Transport, Inc., by and through its attorneys, Rawle & Henderson LLP, respectfully aver as follows:

1. Plaintiff commenced a civil action against defendants in the Court of Common Pleas of Philadelphia County, Pennsylvania, by Complaint on or about August 18, 2021. *See* Exhibit “A” - Plaintiff’s Complaint.

2. Defendant, J.B. Hunt Transport, Inc., was served with plaintiff’s Summons and Complaint no earlier than August 18, 2021.

3. In the Complaint, plaintiff claims that defendant’s trailing unit detached from the tractor on I-276, struck a concrete barrier, and caused debris to fly into the air and make contact with the vehicle he was driving. *See generally* Complaint at Exhibit “A.”

4. Plaintiff demands damages in an amount in excess of \$50,000. Specifically, plaintiff alleges, *inter alia*, that he sustained the following damages:

21. The force of the collision caused severe injuries to the Plaintiff’s, neck, back, shoulder, knee, pelvis and kidney.

22. As a collective result of the Defendants' negligence and/or carelessness and/or recklessness, the Plaintiff sustained the following injuries:

- a. Cervical injury;
- b. Lumbar injury;
- c. Thoracic injury;
- d. Shoulder injury;
- e. Pelvic injury;
- f. Knee injury; and
- g. Kidney injury

23. Plaintiff also makes a claim hereinafter for injuries, damages or consequences of which he has no present knowledge.

24. As a result of the aforesaid injuries, Plaintiff sustained physical pain and suffering, all of which have required or will require medical care and treatment.

25. The Plaintiff continues to require treatment for the aforesaid injuries.

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27. As a result of the aforesaid injuries, the Plaintiff sustained a loss of the everyday pleasures and enjoyments of life and may continue to suffer the same for an indefinite period of time into the future.

28. As a result of the aforesaid injuries, the Plaintiff suffered embarrassment and humiliation, and may continue to suffer the same for an indefinite period of time into the future.

29. As a result of the aforesaid injuries, the Plaintiff has been obligated to expend various sums of money and incur various expenses for medical treatment and may be obligated to do so into the future.

30. As a result of the aforesaid injuries, the Plaintiff sustained an impairment of his earning capacity / potential.

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COUNT I
NEGLIGENCE/RECKLESSNESS
CHARLES CARFAGNO V. WILLIAM E GRAY

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WHEREFORE, the Plaintiff, Charles Carfagno hereby seeks all damages allowed under the laws of the Commonwealth of Pennsylvania from the Defendant, William E. Gray, including punitive damages, in an amount in excess of \$50,000.00 under the applicable statutes of the Commonwealth of Pennsylvania and the Local Rules of Court.

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COUNT II
NEGLIGENCE/RECKLESSNESS
CHARLES CARFAGNO V. JB HUNT TRANSPORT INC as being
vicariously liable for WILLIAM E. GRAY

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WHEREFORE, the Plaintiff, Charles Carfagno hereby seeks all damages allowed under the laws of the Commonwealth of Pennsylvania, from the Defendant, JB Hunt Transport Inc., as vicariously liable for Defendant William E. Gray, including punitive damages, in an amount in excess of \$50,000.00 under the applicable statutes of the Commonwealth of Pennsylvania and the Local Rules of Court.

COUNT III
NEGLIGENT and/or RECKLESS HIRING / SUPERVISION /
RETENTION
CHARLES CARFAGNO V. JB HUNT TRANSPORT INC.

WHEREFORE, the Plaintiff, Charles Carfagno hereby seeks all damages allowed under the laws of the Commonwealth of Pennsylvania, in addition to punitive damages from the Defendant JB Hunt Transport Inc. in an amount in excess of \$50,000.00 under the applicable statutes of the Commonwealth of Pennsylvania and the Local Rules of Court.

See Exhibit “A” – plaintiff’s Complaint, ¶¶ 21, 24-25, 27-30 and Counts I, II and III.

5. Based upon a fair reading of the Complaint, plaintiff has set forth a claim in which an amount in excess of the jurisdictional limit of \$75,000, exclusive of interest and costs, is at stake.

6. At all times material hereto, defendant, J.B. Hunt Transport, Inc. was a Georgia corporation with its principal place of business located Lowell, Arkansas. Therefore, it is deemed to be a citizen of Georgia and Arkansas.

7. At all times material hereto, defendant, William E. Gray was an adult individual residing in Maryland and is still a citizen and resident of Maryland.

8. Plaintiff, Charles J. Carfagno is a citizen of the Commonwealth of Pennsylvania and upon information and belief, resides at 151 Wildflower Drive, Plymouth Meeting, Pennsylvania 19462. *See* Exhibit “A” – plaintiff’s Complaint.

9. Diversity of citizenship within the meaning of 28 U.S.C. §1332, exists between plaintiff and defendants since:

(a) Plaintiff is a citizen and resident of the Commonwealth of Pennsylvania;
and

(b) Defendants are citizens of the States of Georgia, Arkansas and Maryland.

10. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that defendants are entitled to removal pursuant to 28 U.S.C. §1441, as amended, and 28 U.S.C. §1446.

11. The undersigned counsel also represents William E. Gray, who has not yet been served, and consents to jurisdiction in this Court.

WHEREFORE, defendant, J.B. Hunt Transport, Inc. prays that the above-captioned action now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, be removed therefrom to this Honorable Court.

RAWLE & HENDERSON LLP



By: _____

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Identification No.: 67353
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Dated: September 1, 2021

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within-captioned document was filed electronically with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

VIA EMAIL

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RAWLE & HENDERSON LLP



By: _____
Gary N. Stewart, Esquire

Dated: September 1, 2021